

AMENDED IN ASSEMBLY AUGUST 15, 2006

AMENDED IN ASSEMBLY JUNE 22, 2006

AMENDED IN SENATE APRIL 11, 2005

SENATE BILL

No. 775

Introduced by Senator Cox

February 22, 2005

An act to amend Section 4050 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 775, as amended, Cox. Watermasters: court appointments.

Existing law provides for the establishment of watermaster service areas by the Department of Water Resources for the purpose of ensuring the most practical and economic supervision of the distribution of water. Existing law permits the appointment by the department of a watermaster in a service area upon the written request of owners or governing bodies of at least 15% of the conduits lawfully entitled to directly divert water in that service area.

This bill would specify that, upon a petition, made to a court in which a relevant judicial decree has been entered, by the owners or governing bodies of at least 15% of the conduits lawfully entitled to directly divert water in a service area subject to that decree, *the court* may appoint a public agency as a watermaster to replace the watermaster appointed by the department. The bill would provide that a watermaster appointed pursuant to this provision would have the powers and duties prescribed by the court pursuant to the exercise of its judicial authority. The bill would provide that specified provisions apply to the service area for which a watermaster is appointed pursuant to this provision only to the extent determined by the court.

The bill would provide that upon the appointment of the new watermaster by a court becoming effective, the department is not responsible for carrying out any of the duties and obligations of a watermaster for the service area. The bill would provide that upon the appointment of the new watermaster by a court becoming effective, and in the discretion of the department, any fixed water flow measuring device and fixed distribution structure installed by the department would either be removed from the service area by the department, or transferred at no charge to the new watermaster appointed by the court. The bill would require that with respect to any water flow measuring device or fixed distribution structure transferred to the new watermaster, all rights, duties, and obligations of the department would accompany the transfer and would be assumed by the new watermaster, and the new watermaster would hold the department harmless for any and all claims or causes of action relative to the items transferred that arise subsequent to the transfer.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4050 of the Water Code is amended to
- 2 read:
- 3 4050. (a) Upon written request submitted to the department
- 4 by the owners or governing bodies of at least 15 percent of the
- 5 conduits lawfully entitled to directly divert water from the
- 6 streams or other sources of water supply in any service area, the
- 7 department may, if it determines that it is necessary, appoint a
- 8 watermaster and if necessary, in its discretion, one or more
- 9 deputy watermasters for the service area.
- 10 (b) Upon petition, made to a court in which a relevant judicial
- 11 decree has been entered, by the owners or governing bodies of at
- 12 least 15 percent of the conduits lawfully entitled to directly divert
- 13 water from the streams or other sources of water supply in any
- 14 service area, the court may appoint a public agency as
- 15 watermaster under this part to replace the watermaster appointed
- 16 by the department.
- 17 (c) (1) A watermaster appointed pursuant to subdivision (b)
- 18 shall have the powers and duties prescribed by the court pursuant

1 to the exercise of its judicial authority, which may include any
2 powers and duties prescribed by this part.

3 (2) This part shall apply to the service area for which a
4 watermaster is appointed pursuant to subdivision (b) only to the
5 extent determined by the court.

6 *(d) (1) If in response to a petition made to a court, the court*
7 *appoints a watermaster in a service area in which the*
8 *department previously appointed a watermaster, upon the*
9 *appointment of the new watermaster becoming effective, the*
10 *department shall not be responsible for carrying out any of the*
11 *duties and obligations of this part, including any responsibility*
12 *for the funding of the expenses of administration or distribution*
13 *pursuant to Chapter 7 (commencing with Section 4200).*

14 *(2) If in response to a petition made to a court, the court*
15 *appoints a watermaster in a service area in which the*
16 *department previously appointed a watermaster, upon the*
17 *appointment of the new watermaster becoming effective and in*
18 *the discretion of the department, any fixed water flow measuring*
19 *device and fixed distribution structure installed by the*
20 *department shall either be removed from the service area by the*
21 *department, or transferred at no charge to the new watermaster*
22 *appointed by the court. With respect to any water flow measuring*
23 *device or fixed distribution structure transferred to the new*
24 *watermaster, all rights, duties, and obligations of the department*
25 *shall accompany the transfer and shall be assumed by the new*
26 *watermaster, and the new watermaster shall hold the department*
27 *harmless for any and all claims or causes of action relative to the*
28 *items transferred that arise subsequent to the transfer.*